

### REMARKS/ARGUMENTS

In response to the Official Action dated November 5, 2003, Applicants amend Claim 1 to incorporate the limitations of Claim 2 and cancel Claim 2. Claims 14-22, withdrawn by the Examiner from Applicant's Response to Restriction Requirement, are canceled. The Examiner rejected Claims 1-13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,606,582 to Brinkman. Because the applied reference has a common assignee with the present application and the limitations of Claim 2 (now incorporated in Claim 1) are not anticipated by the Brinkman reference, the claims as amended patentably distinguish over the prior art and the rejection is traversed.

MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference ... The elements must be arranged as required by the claim." The Examiner has rejected the limitations of Claim 2 under 35 U.S.C. § 102 as being anticipated by the Brinkman reference, however, the Brinkman reference does not disclose "a plurality of converters for converting the accumulated particle counts and differential particle counts ... a computer network for receiving and storing the accumulated particle counts and the differential particle counts ... a graphic user or interface for displaying and retrieving at least some of the accumulated particle counts, differential particle counts or process data." In the preceding claim elements, both accumulated and differential particle counts are converted by the converters, processed by the computer network, and either or both are displayed and retrieved with the graphic user interface.

Brinkman simply identifies collecting generic "particle data" from the particle measurement systems. Brinkman does identify that the particle data can be used to identify trends over time (col. 11, lines 10-12), and displaying particle data on a historical basis over a predetermined period of time (col. 14, lines 2-3). Brinkman does not, however, teach the limitations of Claim 2 that includes retrieving accumulated and differential particle counts in order for the system to display one, the other, or both. This feature is therefore not anticipated by Brinkman.

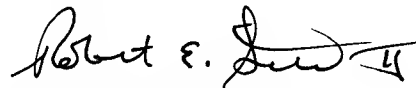
Because Brinkman does not disclose retrieving differential and accumulated particle counts and permitting the display of one, the other, or both, Claim 1 is amended to incorporate the limitations of Claim 2 and to include the capabilities of the system to display accumulated particle counts, differential particle counts, or process data graphically. Accordingly, Claim 1 as amended

and all claims dependent therefrom, which are Claims 3-13 are patentably distinct over the prior art reference to Brinkman. Therefore, Applicants respectfully requests withdrawal of the § 102(e) rejection as all claims presented are in condition for allowance.

The present application, 09/998,257, and U.S. Patent No. 6,660,582 to Brinkman were at the time the invention of the present application was made, owned by SEH America, Inc. or under obligation to be assigned to SEH America, Inc. Under 35 U.S.C. § 103(c) and MPEP § 2136.02, applications and prior art references owned by the same person or subject to an obligation of assignment to the same person at the time the invention was made may be used to support a rejection under 35 U.S.C. § 102(e) but not to support a rejection under 35 U.S.C. § 103. Because the Brinkman reference is a § 102(e) reference commonly assigned to SEH America, Inc., this reference cannot properly be used to support an obviousness reference under 35 U.S.C. § 103(c).

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605. Should the Examiner has any questions regarding the above amendment, it is requested that the Examiner contact Applicants' undersigned attorney.

Respectfully submitted,



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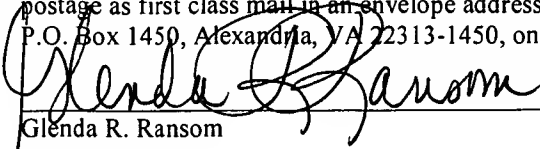
Filed: 11/30/2001

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Glenda R. Ransom

CLT01/4625127v1

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